

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Gilbert Wolrich et al. Art Unit : 2155
Serial No. : 09/475,614 Examiner : David Y. Eng
Filed : December 30, 1999
Title : METHOD AND APPARATUS FOR CONTROL OF RECEIVE DATA

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION PURSUANT TO 37 C.F.R. §1.182

Under 37 C.F.R. § 1.182, applicant hereby petitions the Commissioner of the Patents and Trademarks to accept late submission of applicant's Reply Brief, without a request for an Oral Hearing. As part of this Petition the Reply Brief is enclosed (Attachment A).

The undersigned, Denis G. Maloney, instructed Mr. Ronald Gordon, a Technology Specialist at the firm of Fish & Richardson, P.C., to prepare a Reply Brief, which he did.

Mr. Gordon was asked on June 4, 2008 via a docketing reminder (Attachment B), whether the Reply Brief was ready and would be filed that day. Mr. Gordon replied that the Reply Brief was ready and would be filed that day. However, no person charged with responsibility of filing documents in the Patent and Trademark Office for Fish & Richardson P.C. that was the email string actually prepared the Reply Brief for filing, as instructed by Mr. Gordon, or instructed the undersigned that the Reply Brief was ready for the undersigned's signature so that it could be filed.

The undersigned, applicant's attorney of record, first became aware of these circumstances on June 19, 2008, by Mr. Gordon, and submits that this petition is being promptly submitted.

Appellant requests acceptance of the submission of the Reply Brief because it does not change the scope of any claim or prejudice any third party. Rather, the merits of acceptance of the Reply Brief weigh in favor of granting of this petition because the Reply Brief would be of assistance to the Board of Patent Appeals & Interferences in clarifying issues for the Board regarding the nature of Appellant's appeal.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: June 19, 2008

Appellant acknowledges that extensions of time pursuant to 37 C.F.R. 1.136(b) are available for late submission of matters not provided for in 37 C.F.R. 1.136(a). However, extensions pursuant to 37 C.F.R. 1.136(b) are not available to Applicant. The error was discovered after the due date of the Reply Brief making it impossible to file the extension pursuant to 37 C.F.R. 1.136(b), which requires filing of such an extension before the period for response has lapsed .

In the event that this Petition does not conform to the requirements of 37 C.F.R. § 1.182, please treat this petition as a Petition pursuant to 37 C.F.R. § 1.183.

Please charge the petition fee of **\$400** pursuant to 37 C.F.R. 1.17(f) and apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: June 19, 2008

/Denis G. Maloney/
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Ronald Gordon

From: Ronald Gordon
Sent: Thursday, June 19, 2008 3:26 PM
To: Denis Maloney
Subject: FW: 10559-137001 REPLY BRIEF due 6/4 - Per below notes, was the Reply Brief filed yesterday or will it be filed today? Thank you.

From: Stacey Seidel
Sent: Wednesday, June 04, 2008 7:34 AM
To: Ronald Gordon
Subject: RE: 10559-137001 REPLY BRIEF due 6/4 - Per below notes, was the Reply Brief filed yesterday or will it be filed today? Thank you.

Thank you.

From: Ronald Gordon
Sent: Wednesday, June 04, 2008 6:32 AM
To: Stacey Seidel; Denis Maloney; Sherry Hunt; Marie Collins
Subject: RE: 10559-137001 REPLY BRIEF due 6/4 - Per below notes, was the Reply Brief filed yesterday or will it be filed today? Thank you.

Today

From: Stacey Seidel
Sent: Wednesday, June 04, 2008 6:46 AM
To: Ronald Gordon; Denis Maloney; Sherry Hunt; Marie Collins
Subject: 10559-137001 REPLY BRIEF due 6/4 - Per below notes, was the Reply Brief filed yesterday or will it be filed today? Thank you.

Client: Intel Corporation
Title: METHOD AND APPARATUS FOR CONTROL OF RECEIVE DATA

Notes: PER RVG 6/3/08, WILL FILE TODAY

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6/19/2008